

upon which the action is based, and therefore has no context within which to assess the merits of Plaintiff's request for a sum certain.

Accordingly, **IT IS** on this 7th day of August, 2012,

ORDERED that Plaintiff's motion, (D.E. 9), is DENIED without prejudice with leave to re-file; and it is further

ORDERED that the Clerk shall terminate the motion at Docket Entry No 9.

s/*Esther Salas*
Esther Salas, U.S.D.J.